

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN POWELL,	:	Civil No. 1:12-CV-01684
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JON FISHER, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

**AND NOW**, on this 21<sup>st</sup> day of April, 2020, upon consideration of the motion for summary judgment by Defendants, Doc. 177, the report and recommendation of Chief United States Magistrate Judge Susan E. Schwab, Doc. 190, Defendants' objections and Plaintiff's opposition thereto, Docs. 194–196, and for the reasons set forth in the accompanying memorandum of law, **IT IS**

**ORDERED** that:

- 1) The court **DECLINES TO ADOPT** the report and recommendation denying Defendant Department of Corrections' motion for summary judgment on Plaintiff's American with Disabilities Act of 1990 and Rehabilitation Act of 1973 claims based on 42 U.S.C. § 1997e(e). (Doc. 190.) The remaining portions of the report and recommendation are **ADOPTED** in full. (*Id.*)

- 2) Defendants' motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. (Doc. 177.) Specifically, summary judgment is **GRANTED** to Defendants on Count 1 of the amended complaint (access to the courts claim), and for Plaintiff's request for injunctive relief, compensatory damages, and punitive damages. The motion for summary judgment is **DENIED** in all other respects.
- 3) A separate order will issue to address the remaining deadlines in this case.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Court Judge  
Middle District of Pennsylvania